

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALVIN FRAZIER,

Plaintiff,

v.

COLTHFELT and SCHUBRING,

Defendants.

Case Number 19-10389

Honorable David M. Lawson

Magistrate Judge Patricia T. Morris

ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND
DENYING AS MOOT THE PLAINTIFF'S MOTION FOR APPOINTMENT
OF COUNSEL AND MOTION TO STRIKE

Presently before the Court is the report issued on September 29, 2021 by Magistrate Judge Patricia T. Morris pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion for summary judgment and deny as moot the plaintiff's motion for appointment of counsel and motion to strike. The deadline for filing objections to the report has passed, and no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 55) is **ADOPTED**.

It is further **ORDERED** that the defendants' motion for summary judgment (ECF No. 48) is **GRANTED**.

It is further **ORDERED** that the defendants' motion for the appointment of counsel (ECF No. 47) and motion to strike (ECF No. 53) are **DENIED AS MOOT**.

It is further **ORDERED** that the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 21, 2021